

### REMARKS

By the *Final Office Action* of 3 June 2005, Claims 1-20 are pending in the Application, and all rejected. The grounds of rejection are nearly identical to the *Office Action* of 30 November 2004, the crux of which was if Applicant could establish the effective filing date of the present application to the filing date of the priority document, the grounds of rejection were overcome.

In view of such, Applicant, in its 24 February 2005 *Response* to the 30 November 2004 *Office Action*, submitted not only a certified copy of the Netherlands priority application, but also the English translation and translator's statement.

Applicant's postcard accompanying the 24 February 2005 *Response* reflects the translation was received, as well as the PAIR system, which has an entry labeled "02-24-2005 Foreign Priority Papers Filed" wherein pp. 17-28 are the English translation.

Nonetheless, the *Final Office Action* notes that the Applicant cannot rely upon the foreign priority papers to overcome the rejection because a translation of the priority document has not been made of record. This appears to be in error, as, indeed, the 24 February 2005 *Response* included the translation.

Applicant respectfully requests reconsideration of the 24 February 2005 *Response*. Alternatively, Applicant herein again attaches a copy of the English translation and translator's statement. If the prior submission of the English translation and translator's statement, and/or the present submission of same, still do not perfect the foreign priority filing date for purposes of overcoming art in the present case, Applicant respectfully requests further guidance, as it believes the rules and MPEP have been complied with for same.

No new matter is introduced by the present *Response and Request For Reconsideration*. It is respectfully submitted that the present Application is in condition for allowance for the following reasons.

#### **1. Priority**

Applicant again thanks the Examiner for the acknowledgement of Applicant's claim of foreign priority, as this application is a continuation of a PCT Application, which itself has

priority to a Netherlands patent application.

The Examiner notes that benefit of such priority is not perfected without complying with the submission of the priority document under 35 USC §119(b), including an English translation, which was completed in Applicant's 25 February 2005 *Response*.

## 2. Rejection Of The Claims Under 35 USC § 102

Claims 1 and 19-20 are rejected under 35 USC §102(a) as being anticipated by EP 1130283. EP 1130283 has a publication date that is subsequent to the priority filing date (effective filing date) of the present application, being 16 January 2001, the date of filing of the NL application, which by the earlier, and present, submission is believed to be perfected. As the date of the EP reference is subsequent the effective filing date of the present application, it is believed by submitting the certified copy of the NL priority document, EP 1130283 is now removed as prior art against this application.

## 3. Claim Rejections Under 35 USC § 103

Claims 5-18 are rejected under USC § 103(a) as being unpatentable over EP 1130283. As shown above, this reference is not believed to be prior art to this application, and this ground of rejection thus believed overcome.

Claim 3 are rejected under USC § 103(a) as being unpatentable over EP 1130283 in view of US Patent No. 6,110,065 to Yagasaki et al. As shown above, since EP 1130283 is not prior art to this application, this ground of rejection is also believed overcome.

## 4. Fees

No Claims fees are due, as the total number of Claims, and independent Claims, remains the same as upon original filing.

Further, this *Response and Request For Reconsideration* is being filed within three months of the *Office Action*. Thus, it is believed no extension of time fees are due.

Nonetheless, authorization to charge deposit account No. 20-1507 is given herein should fees be due.

**CONCLUSION**

By the present *Response and Request For Reconsideration*, the Application has been in placed in full condition for allowance. Accordingly, Applicant respectfully requests early and favorable action. Should the Examiner have any further questions or reservations, the Examiner is invited to telephone the undersigned Attorney at 404.885.2773.

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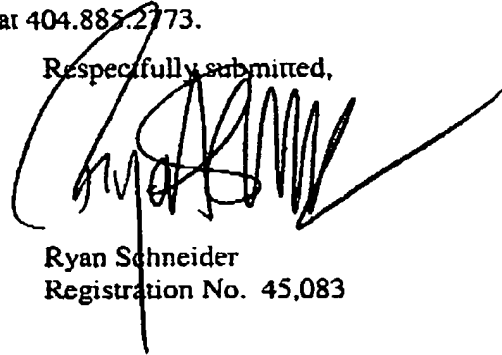
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14 June 2005

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